

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1182 be amended to read as follows:

- 1 Page 4, between lines 36 and 37, begin a new paragraph and insert:
- 2 "SECTION 3. IC 33-5-38.8 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2000][EFFECTIVE JULY 1, 2000]:
- 5 **Chapter 38.8. Rush Superior Court**
- 6 **Sec. 1. There is established a court of record to be known as the**
- 7 **Rush superior court (referred to as "the court" in this chapter).**
- 8 **The court may have a seal containing the words "Rush Superior**
- 9 **Court, Rush County, Indiana". Rush County comprises the judicial**
- 10 **district of the court.**
- 11 **Sec. 2. (a) The court has one (1) judge, who shall be elected at**
- 12 **the general election every six (6) years in Rush County. The judge's**
- 13 **term begins January 1 following the election and ends December**
- 14 **31 following the election of the judge's successor.**
- 15 **(b) To be eligible to hold office as judge of the court, a person**
- 16 **must:**
- 17 **(1) be a resident of Rush County;**
- 18 **(2) be less than seventy (70) years of age at the time of taking**
- 19 **office; and**
- 20 **(3) be admitted to the bar of Indiana.**
- 21 **Sec. 3. The court has the same jurisdiction as the Rush circuit**
- 22 **court.**
- 23 **Sec. 4. The judge of the court has the same powers relating to**
- 24 **the conduct of the business of the court as the judge of the Rush**
- 25 **circuit court. The judge of the court also may administer oaths,**
- 26 **solemnize marriages, and take and certify acknowledgments of**
- 27 **deeds.**
- 28 **Sec. 5. The judge of the court shall appoint a bailiff and an**
- 29 **official court reporter for the court. The judge may appoint a**
- 30 **referee, commissioner, or other personnel as the judge considers**
- 31 **necessary to facilitate and transact the business of the court. Their**
- 32 **salaries shall be fixed in the same manner as the salaries of the**

1 personnel for the Rush circuit court. Their salaries shall be paid at
2 least monthly out of the treasury of Rush County as provided by
3 law. Personnel appointed under this section continue in office until
4 removed by the judge of the court.

5 Sec. 6. The clerk of the court, under the direction of the judge of
6 the court, shall provide order books, judgment dockets, execution
7 dockets, fee books, and other books for the court, which shall be
8 kept separately from the books and papers of other courts.

9 Sec. 7. The court shall hold its sessions in the Rush County
10 courthouse in Rushville, Indiana, or in such other places in the
11 county as the Rush county executive may provide. The county
12 executive shall provide and maintain a suitable courtroom and
13 other rooms and facilities, including furniture and equipment, as
14 may be necessary. The Rush County fiscal body shall appropriate
15 sufficient funds for the provision and maintenance of these rooms
16 and facilities.

17 Sec. 8. The jury commissioners appointed by the judge of the
18 Rush circuit court shall serve as the jury commissioners for the
19 court. Juries shall be selected in the same manner as juries for the
20 Rush circuit court. The grand jury selected for the Rush circuit
21 court shall also serve as the grand jury for the court as may be
22 necessary.

23 Sec. 9. The judge of the Rush circuit court may, with the consent
24 of the judge of the court, transfer any action or proceeding from
25 the circuit court to the court. The judge of the court may, with the
26 consent of the judge of the circuit court, transfer any action or
27 proceeding from the court to the circuit court.

28 Sec. 10. The judge of the Rush circuit court may, with the
29 consent of the judge of the court, sit as a judge of the court in any
30 matter as if the judge of the circuit court were an elected judge of
31 the court. The judge of the court may, with the consent of the judge
32 of the circuit court, sit as a judge of the circuit court in any matter
33 as if the judge of the court were an elected judge of the circuit
34 court.

35 Sec. 11. The court has a standard small claims and
36 misdemeanor division."

37 Page 7, after line 28 , begin a new paragraph and insert:

38 "SECTION 13. [EFFECTIVE JULY 1, 2000] (a) On July 1, 2000,
39 the Rush county court is abolished.

40 (b) Any case pending in the Rush county court after the close of
41 business on June 30, 2000, is transferred on July 1, 2000, to the
42 Rush superior court established by this act. All cases transferred
43 under this SECTION that are eligible to be heard by the standard
44 small claims and misdemeanor division shall be transferred to the
45 standard small claims and misdemeanor division of the court. A
46 case transferred under this SECTION shall be treated as if the case
47 were filed in the Rush superior court.

48 (c) On July 1, 2000, all property and obligations of the Rush
49 county court become the property and obligations of the Rush
50 superior court.

51 (d) The initial judge of the Rush superior court added by this act
52 shall be the person who is the Rush county court judge on June 30,

1 **2000. The term of the initial judge begins July 1, 2000, and ends**
2 **December 31, 2002. The initial election of a judge for the Rush**
3 **superior court added by this act shall be the general election**
4 **conducted on November 5, 2002. The term of the initial elected**
5 **judge begins January 1, 2003.**

6 **(e) This SECTION expires January 2, 2003."**

7 Renumber all SECTIONS consecutively.

(Reference is to EHB 1182 as printed February 11, 2000.)

Senator JACKMAN